

Response to Election of Species Requirement
10/765,065
Docket No. 12013/49501



JPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Spencer *et al.*
SERIAL NO. : 10/765,065
FILED : January 28, 2004
FOR : MULTI-STEP METHOD OF MANUFACTURING A MEDICAL
DEVICE
GROUP ART UNIT : 1762
EXAMINER : E. CAMERON

MAIL STOP AMENDMENT
COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO ELECTION OF SPECIES REQUIREMENT WITH TRAVERSE

Sir:

In response to the election of species requirement of September 8, 2005 for which a response is due on or before October 8, 2005, Applicants hereby elect, with traverse, Species a, which is readable on claim 1-12 and Subspecies d, which is readable on claims 1-4, and 6-12. Applicants note that claim 9 recites that the first and second coatings are different compositions, which does not exclude the coatings each containing the same therapeutic agent. As such, Applicants submit that claim 9 is readable on Subspecies d. Applicants also submit that they are entitled to have examined in a single application a reasonable number of species. *See* MPEP 806.04(a). The present application only contains 18 claims; claims 1 and 12 are both directed to

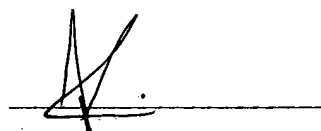
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a method of manufacturing a medical device comprising a desired amount of a therapeutic agent with an intermediate determination step; and the Examiner has not indicated that these claims belong to a different class or subclass. As such, Applicants submit that a search and examination of all the claims can therefore be made without undue burden on the Examiner and therefore request reconsideration of this election of species requirement.

Although no fees are believed to be associated with the filing of this paper, the Commissioner is authorized to charge any such required fees or to credit any overpayment to Kenyon & Kenyon's Deposit Account No. 11-0600.

Respectfully submitted,
KENYON & KENYON

Dated: September 29, 2005

A handwritten signature in black ink, appearing to be 'Zeba Ali', is written over a horizontal line.

By: Zeba Ali
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